

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:03-CV-137-MU**

NATHAN WAYNE BOWIE
Petitioner,

v.

MARVIN POLK, Warden,
Central Prison
Raleigh, North Carolina
Respondent.

ORDER

THIS MATTER is before the Court upon Petitioner's November 19, 2004 Motion to Defer Ruling on his Petition for Writ of Habeas Corpus pending the decision of the United States Supreme Court in *Rompilla v. Horn*, 355 F.3d. 233 (3rd Cir. 2004) *cert. granted, sub. nom. Rompilla v. Beard*, No. 04-5462. [Doc. 39] In June 2005, the Supreme Court issued its opinion in *Rompilla v. Beard*, ___ U.S. ___, 125 S.Ct. 2456 (2005). Thus, Petitioner's Motion to defer the Court's ruling on the Petition is now moot.

For the foregoing reasons, it is HEREBY ORDERED THAT Petitioner's Motion to Defer Ruling on his Petition for Writ of Habeas Corpus is DISMISSED as moot.

Signed: August 19, 2005

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
Chief United States District Judge

